

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
OCTOBER 26, 2000**

PRESENT: James R. Imhoff (at 10:18 a.m.), Richard Hinsman, Harold Lee, Jerome Nelson, and Richard Kollmansberger; Nancy Gerrard (by telephone)

EXCUSED: Bettye Lawrence

STAFF PRESENT: Cletus Hansen, Bill Dusso, Bill Black, and Jan Neitzel; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Rick Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:15 a.m. by Dick Hinsman, Vice-Chair, upon confirmation that the public notice was timely given. A quorum of 5 members was present.

AGENDA

A monitoring report, stipulations, and case closings were added to the agenda.

MOTION: Jerry Nelson moved, seconded by Hal Lee, to adopt the agenda as amended. Motion carried unanimously.

MINUTES (September 28, 2000)

The Board made corrections to the minutes relating to the stipulations for Annette L. Reynolds, Raymond D. Van Kirk, Donald C. Mastaglio. The Board did not accept the stipulations at the September 28, 2000, meeting.

MOTION: Hal Lee moved, seconded by Dick Kollmansberger, to approve the minutes as amended. Motion carried unanimously.

Jim Imhoff arrived at this time.

ADMINISTRATIVE REPORT

Bill Dusso introduced Bill Black, the new Legal Counsel for the Real Estate Board.

Secretary Cummings' Report

Secretary Cummings was not available.

Clete Hansen

- **Board Roster**

The Board received a copy of the August 2000 roster. Noted.

- **Meeting Dates for 2001**

The Board received a copy of the meeting dates for 2001 and noted that the next Board meeting will be December 7, 2000.

- **Screening Statistics**

The Board received a copy of the September 28, 2000, screening statistics. Noted.

- **To-Pass Folder**

None.

ADMINISTRATIVE RULES UPDATE

Nothing to report.

REPORT OF THE CONTRACTUAL FORMS COUNCIL

The Board received a copy of the September 15, 2000, Real Estate Contractual Forms Advisory Council minutes.

The Board accepted the recommendations from the Contractual Forms Advisory Council on the Offer to Purchase-Business With Real Estate, the Offer to Purchase-Business Without Real Estate, and the Business Listing Contract-Exclusive Right to Sell.

MOTION: Jerry Nelson moved, seconded by Dick Kollmansberger, to approve the Offer to Purchase- Business With Real Estate, the Offer to Purchase- Business Without Real Estate, and the Business Listing Contract- Exclusive Right to Sell. Motion carried unanimously.

Jim Imhoff reported that the Exclusive Listing Contract for Lease of Residential Property is being changed to also include commercial property. He also reported that the Council is working on the time-share forms.

REPORT OF THE COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATION

Nancy Gerrard reported that Sue Hamer, Rick Staff and Clete Hansen will soon be designating the content areas for questions in the test-out examination.

NEW BUSINESS

None.

PUBLIC COMMENT

None.

MISCELLANEOUS CORRESPONDENCE

The Board received a copy of the October 4, 2000, letter from Bill Dusso, Board Legal Counsel, to Vincent Schaper relating to commercial real estate database. Noted.

The Board received a copy of the October 11, 2000, letter from Bill Dusso to Michael Whalen relating to real estate agent referral fees.

The Board received and discussed the letter that Clete Hansen sent to DFI on October 6, 2000. The letter related to financing fraud practices.

RECESS TO CLOSED SESSION

MOTION: Dick Hinsman moved, seconded by Jerry Nelson, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, administrative warnings, stipulations, assessment of costs, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Nancy Gerrard-yes; Dick Hinsman-yes; Dick Kollmansberger-yes; Hal Lee-yes; Jerry Nelson-yes; and Jim Imhoff-yes. Motion carried unanimously.

Open Session recessed at 10:28 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings, an administrative warning, stipulations, an order assessing costs, a proposed decision, and a monitoring issue.

Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Hal Lee moved, seconded by Jerry Nelson, to adjourn the Closed Session and to reconvene in Open Session at 11:03 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Dick Hinsman moved, seconded by Hal Lee, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

99 REB 359	Insufficient evidence
00 REB 047	Insufficient evidence
00 REB 092	No violation
00 REB 127	Insufficient evidence
99 REB 198	P1

ADMINISTRATIVE WARNINGS

Renee L. Crothers and Affiliated Plus, Inc. d/b/a First Choice Real Estate Services

The administrative warning for Renee L. Crothers will be discussed at a future meeting.

STIPULATIONS

Douglas A. Ferris (Chetek, WI)

MOTION: Hal Lee moved, seconded by Dick Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Douglas A. Ferris. Motion carried unanimously.

Melvyn F. Mueller & Mueller Realty and Auction Service (Neillesville, WI)

MOTION: Hal Lee moved, seconded by Dick Kollmansberger, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Melvyn F. Mueller & Mueller Realty and Auction Service. Motion carried unanimously.

Norbert J. Glesner d/b/a Glesner Realty (Strugeon Bay, WI)

MOTION: Dick Hinsman moved, seconded by Dick Kollmansberger, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Norbert J. Glesner d/b/a Glesner Realty. Motion carried unanimously.

Susan K. Kravick (Westfield, WI) and Linda L. Cotter (Montello, WI)

MOTION: Nancy Gerrard moved, seconded by Dick Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Susan K. Kravick and Linda L. Cotter. Motion carried unanimously.

Annette L. Reynolds (Milwaukee, WI)

MOTION: Dick Kollmansberger moved, seconded by Jerry Nelson, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Annette L. Reynolds. Motion carried unanimously.

DISCIPLINARY ACTION-ASSESSMENT OF COSTS

Dale W. Johnson (Hudson WI)

MOTION: Hal Lee moved, seconded by Dick Kollmansberger, to approve the costs for Dale W. Johnson. Motion carried unanimously.

DISCIPLINARY ACTION

Ralph Mitchell (Brown Deer, WI)

The disciplinary action relating to Ralph Mitchell will be discussed at the December 7, 2000, meeting.

MONITORING

Clarence Sullivan (Viroqua, WI)

MOTION: Jerry Nelson moved, seconded by Dick Kollmansberger, to approve the request from Clarence Sullivan to extend the education requirement date to November 30, 2000. Motion carried unanimously.

ADJOURNMENT

MOTION: Nancy Gerrard moved, seconded by Dick Kollmansberger, to adjourn the meeting at 11:17 a.m.